

12-3E Imminent Hazards (1200 TN 350 12-3E)

1. **AUTHORITY.** Pursuant to Section 7 of the Toxic Substances Control Act:
 - a. To determine that a chemical substance or mixture presents an imminent and unreasonable risk of serious or widespread injury to health or the environment under Section 7 of TSCA; and
 - b. To take action including, but not limited to, causing the commencement of an action for seizure of a chemical substance or mixture that has been determined to present an imminent and unreasonable risk of serious or widespread injury, or article containing such substance or mixture, or for such other relief as authorized by Section 7.
2. **TO WHOM DELEGATED.**
 - a. The authority in Section 1.a is reserved for the regional administrator.
 - b. The authority in Section 1.b is delegated to the director, Land and Chemicals Division (LCD).
3. **LIMITATIONS.**
 - a. The RA must receive concurrence from the AA for OCSPP before exercising the authority in Section 1.a. OCSPP will consider a review of the concurrence requirement in the future after more experience is gained with the use of TSCA. Section 7 imminent hazard actions and criteria can be developed for those cases which will not require immediate rulemaking.
 - b. The delegatee must consult with the AA for OECA and the AA for OCSPP before exercising the authority in Section 1.b. The AA for OECA may waive consultation in writing.
 - c. The delegatee must obtain the advance concurrence of the regional counsel on the legal sufficiency of the action before exercising the authorities set forth in 1.a and 1.b. The RC may waive concurrence in writing.
 - d. The AA for OECA must consult with the AA for OCSPP and the appropriate RA before exercising the authority in Section 1.b.
 - e. Before exercising the authority in Section 1.b, a corresponding determination that there is an "imminently hazardous chemical substance or mixture" under Section 7 of TSCA must have been made under Section 1.a.


4. REDELEGATION AUTHORITY.

- a. The authority in Section 1.a may not be redelegated.
- b. The authority in Section 1.b may be redelegated to the branch chief. This authority may not be redelegated without formal amendment.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. REFERENCES.

- a. For civil actions under Section 7, see Delegation 12-3A entitled "Civil Judicial Enforcement Actions".
- b. See also Delegation 12-3D entitled "Emergency TROs".

Date: 4/27/2017


Cecil Rodrigues
Acting Regional Administrator